

<b>Office Action Summary</b>	<b>Application No.</b> 10/092,158	<b>Applicant(s)</b> WIES ET AL.	
	<b>Examiner</b> Christopher D. Biagini	<b>Art Unit</b> 2445	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 80-90,92-101 and 103-105 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 80-90,92-101 and 103-105 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. <u>20101001</u> .                           |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application  |
| Paper No(s)/Mail Date <u>4/21/2010, 7/22/2010</u> .                                    | 6) <input type="checkbox"/> Other: _____.                          |



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**DETAILED ACTION**

This communication is in response to the amendment filed July 22, 2010. Claims 80-84, 86, 89, 92-95, and 103-105 were amended. Claims 79, 91, and 102 were cancelled. Claims 80-90, 92-101, and 103-105 are pending.

***Information Disclosure Statement***

The information disclosure statements (IDSes) submitted on April 21, 2010 and July 22, 2010 was filed after the mailing date of the Non-Final Rejection on May 30, 2009. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements are being considered by the examiner.

***Response to Arguments***

Applicant's arguments with respect to the rejections of the claims over Ellis, Matsuishi, and Salcudean have been fully considered and are persuasive in light of the amendments. Therefore, the rejections have been withdrawn. However, upon further consideration, a new ground(s) of rejection is made.

***Allowable Subject Matter***

The indicated allowability of claims 80, 92, and 103 is **withdrawn** in view of the newly discovered reference(s) to Barrett et al. (US Patent No. 5,908,467). Rejections based on the newly cited reference(s) follow.

***Priority***

Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120 as follows:

The later-filed application must be an application for a patent for an invention which is also disclosed in the prior application (the parent or original nonprovisional application or provisional application). The disclosure of the invention in the parent application and in the later-filed application must be sufficient to comply with the requirements of the first paragraph of 35 U.S.C. 112. See *Transco Products, Inc. v. Performance Contracting, Inc.*, 38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994).

The instant application claims priority to numerous other applications, which, in some cases, themselves claim priority to even earlier applications. At least the disclosures of Application Nos. 08/092,974; 08/461,170; 08/534,791; 08/566,282; and 08/571,606 fail to provide adequate support or enablement in the manner provided by the first paragraph of 35 U.S.C. 112 for one or more claims of this application. For example, the prior-filed applications do not have support for the combination of features recited in claims 80-90 and 95-101, including the combination of "receiving an input signal from a network, the input signal comprising an embedded force feedback command" and "wherein the input signal is associated with at least one of a web page, a java applet, or an ActiveX control." Similarly, the prior-filed applications do not have support for the combination of features recited in claims 92-94 and 103-105, including the combination of "embedding the force feedback command in an output signal;

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1 transmitting the output signal to a network” and “wherein the output signal is associated with at  
2 least one of a web page, a java applet, or an ActiveX control.”

3 First, the disclosures of Application Nos. 08/092,974; 08/461,170; 08/534,791; and  
4 08/566,282 do not contain any written description of any subject matter which may be  
5 reasonably considered to provide support for the combination of features identified above.

6 Second, with respect to Application No. 08/571,606 (hereinafter "the '606 application'),  
7 although a portion of the disclosure describes subject matter that is, on the surface, similar to the  
8 presently claimed invention, it is deficient in several key respects. A copy of the most relevant  
9 portion of the specification of the '606 application is published at col. 47, lines 16-43 of US  
10 Patent No. 6,219,032, which issued from the application. For the convenience of the Applicant,  
11 this portion is reproduced below:

12 In addition, other types of interfaces are similar to GUI's and can be used  
13 with the present invention. For example, a user can set up a "page" on the  
14 World Wide Web which is implemented by a remote computer or server.  
15 The remote computer is connected to host computer 12 over a network  
16 such as the Internet and the Web page can be accessed by different users  
17 through the network. The page can include graphical objects similar to  
18 the graphical objects of a GUI, such as icons, pull-down menus, etc., as  
19 well as other graphical objects, such as "links" that access a different  
20 page or portion of the World Wide Web or other network when selected.  
21 These graphical objects can have forces associated with them to assist in  
22 selecting objects or functions and informing the user of the graphical  
23 layout on the screen. In such an embodiment, the speed of data transfer  
24 between the host computer and a network node can often be slow.  
25 Therefore, the reflex embodiment as described above with reference to  
26 FIG. 5 is quite suitable, since the local microprocessor 26 can implement  
27 reflex processes controlled by commands received from the remote  
28 computer implementing the Web page and/or from the host computer 12.  
29 In yet other embodiments, a simulated three-dimensional GUI can be  
30 implemented with the present invention, in which an isometric or  
31 perspective view of a GUI environment and its graphical objects can be  
32 displayed. Alternatively, a "first person" view of a GUI interface can be  
33 implemented to allow a user to select operating system functions within a  
34 simulated 3-D virtual environment.  
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1           Upon careful consideration, neither this portion, nor any other portion, of the application  
2 contains support for the combinations of features identified above. For example, although the  
3 application mentions a feature which may provide support for the claimed "input signal" and  
4 "output signal" (i.e., the "commands received from the remote computer"), and the application  
5 mentions a web page containing objects that "have forces associated with them," there is  
6 absolutely no indication that the signals with commands are "associated with" the web page.  
7 Notably, there is no indication that the local microprocessor which acts on the commands even  
8 receives the web page. Moreover, it is not clear that the forces associated with the graphical  
9 objects are in any way related to or associated with the commands received from the server. For  
10 example, the forces could simply be associated with the graphical objects by way of browser  
11 defaults (for example, by a mechanism similar to that by which hyperlinks are rendered as blue,  
12 underlined text in many browsers). Thus, it cannot be held that the '606 application explicitly,  
13 implicitly, or inherently provides support for the claimed features.

### ***Double Patenting***

16           The nonstatutory double patenting rejection is based on a judicially created doctrine  
17 grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or  
18 improper timewise extension of the "right to exclude" granted by a patent and to prevent possible  
19 harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection  
20 is appropriate where the conflicting claims are not identical, but at least one examined  
21 application claim is not patentably distinct from the reference claim(s) because the examined  
22 application claim is either anticipated by, or would have been obvious over, the reference

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claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 80-90, 92-101, and 103-105 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-67 of U.S. Patent No. 5,956,484. Although the conflicting claims are not identical, they are not patentably distinct from each other because the instant claims are a broader version of the claims of the patent.

The following is an example showing the relationship between instant claim 80 and claim 1 of the patent.

<b>Instant Claim 80</b>	<b>Claim 1 of the Patent</b>
A method comprising:	A method for providing force feedback over a

Instant Claim 80	Claim 1 of the Patent
<p>receiving an input signal from a network, the input signal comprising an embedded force feedback command;</p>	<p>network comprising:</p> <p>establishing a connection between a server machine and a client machine over a network, said client machine including a visual display and a human/computer interface device providing computer-controlled physical force feedback to a user of said human/computer interface device;</p> <p><b>receiving</b> from said server machine over said <b>network web page information</b>, said web page information including screen display information representing a visual layout of a web page and <b>force feedback information</b> related to said visual layout of said web page information;</p> <p>displaying on said visual display of said client machine said web page based upon said screen display information;</p>



Instant Claim 80	Claim 1 of the Patent
extracting the force feedback command from the input signal;	receiving input information from said human computer interface device for positioning a pointer image with respect to said visual layout of said web page;
generating an output signal associated with the force feedback command; and	providing a <b>force feedback signal</b> that is <b>based upon said input information</b> and based upon said web page information received over said network; and
wherein the input signal is associated with at least one of a web page, a java applet, or an ActiveX control.	directing said human/computer interface device to <b>output computer-controlled physical force feedback</b> to said user correlated with said visual layout of said <b>web page</b> on said visual display, said force feedback being based upon said force-feedback signal.

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2           A similar relationship exists between the balance of the instant claims and the

3 corresponding claims of the patent. Thus, as is clear from the above, the instant claims are a

4 broader version of the claims of the patent.

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Claims 80-90, 92-101, and 103-105 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-40 of U.S. Patent No. 6,101,530. Although the conflicting claims are not identical, they are not patentably distinct from each other because the instant claims are a broader version of the claims of the patent.

6           The following is an example showing the relationship between instant claim 80 and claim  
7   38 of the patent.

<b>Instant Claim 80</b>	<b>Claim 38 of the Patent</b>
A method comprising:	A method for implementing force feedback over a network, the method comprising:
	causing a connection to be established between a server machine and a client machine over a network, said client machine including a visual display device and a force feedback device providing computer-controlled physical force feedback to a user of said force feedback device;
receiving an input signal from a network, the input signal comprising an embedded force feedback command;	<b>receiving</b> from said server machine over said <b>network web page information</b> , said web page information including screen display

Instant Claim 80	Claim 38 of the Patent
<p>extracting the force feedback command from the input signal;</p>	<p>information representing a visual layout of a web page and <b>force feedback information</b> related to said visual layout of said web page;</p> <p>causing a display of said web page based upon said screen display information, said display provided on said visual display device of said client machine;</p> <p>receiving input data derived from input information from said force feedback device for positioning a user-controlled graphical object with respect to said visual layout of said web page; and</p> <p>causing a <b>force feedback signal</b> to be <b>output</b> to said force feedback device, said force feedback signal <b>based upon said input data</b> and based upon said web page information received over said network, wherein said force feedback signal causes said</p>

<b>Instant Claim 80</b>	<b>Claim 38 of the Patent</b>
generating an output signal associated with the force feedback command; and  wherein the input signal is associated with at least one of a web page, a java applet, or an ActiveX control.	force feedback device to <b>output computer-controlled physical force feedback</b> to said user correlated with said visual layout of said <b>web page</b> on said visual display device, said force feedback being based at least in part upon said force-feedback signal.

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2           A similar relationship exists between the balance of the instant claims and the  
3 corresponding claims of the patent. Thus, as is clear from the above, the instant claims are a  
4 broader version of the claims of the patent.

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6           Claims 80-90, 92-101, and 103-105 are rejected on the ground of nonstatutory  
7 obviousness-type double patenting as being unpatentable over claims 1-52 of U.S. Patent No.  
8 6,161,126. Although the conflicting claims are not identical, they are not patentably distinct  
9 from each other because the instant claims are a broader version of the claims of the patent.

10           The following is an example showing the relationship between instant claim 80 and claim  
11 52 of the patent.

<b>Instant Claim 80</b>	<b>Claim 52 of the Patent</b>
A method comprising:	A method for providing force effects for a web page, the method comprising:

<b>Instant Claim 80</b>	<b>Claim 52 of the Patent</b>
receiving an input signal from a network, the input signal comprising an embedded force feedback command;	receiving <b>web page information</b> from a server machine over a <b>network</b> , said web page information including screen display information representing a plurality of web page objects to be displayed in said web page;
	determining which of said web page objects are <b>force web page objects</b> to be associated with at least one <b>force effect</b> , wherein said force web page objects are web page objects having a predefined type; and
extracting the force feedback command from the input signal;	<b>assigning a generic force effect</b> for each of said force web page objects, each of said generic force effects being defined by associated effect information derived from a client machine, wherein a generic force effect associated with a particular one of said force web page objects causes a <b>force signal to be output</b> by said client machine when a user-controlled cursor interacts with said particular
generating an output signal associated with the force feedback command; and	

<b>Instant Claim 80</b>	<b>Claim 52 of the Patent</b>
wherein the input signal is associated with at least one of a web page, a java applet, or an ActiveX control.	force web page object, said cursor and said force web page objects being displayed on said web page by said client machine, wherein said force signal causes an actuator of a force feedback interface device coupled to said client machine to output a force sensation to a user of said force feedback interface device, and wherein said force signal is based on said effect information associated with said generic <b>force effect that is assigned to said particular force web page object.</b>

A similar relationship exists between the balance of the instant claims and the corresponding claims of the patent. Thus, as is clear from the above, the instant claims are a broader version of the claims of the patent.

Claims 80-90, 92-101, and 103-105 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-8 of U.S. Patent No. 6,125,385. Although the conflicting claims are not identical, they are not patentably distinct from each other because the instant claims are a broader version of the claims of the patent.

The following is an example showing the relationship between instant claim 80 and claim 8 of the patent.

<b>Instant Claim 80</b>	<b>Claim 8 of the Patent</b>
A method comprising:	A method for providing force feedback over a network comprising:
	establishing a connection between a server machine and a client machine over a network, said client machine including a visual display and an interface device providing computer-controlled physical force feedback to a user of said interface device;
receiving an input signal from a network, the input signal comprising an embedded force feedback command;	receiving <b>web page information</b> from said server machine over said <b>network</b> , said web page information including screen display information representing a visual layout of a web page and <b>force feedback information</b> related to providing a feel sensation correlated with said visual layout;
	displaying on said visual display of said client machine said web page based upon said screen display information;

Instant Claim 80	Claim 8 of the Patent
<p>extracting the force feedback command from the input signal;</p> <p>generating an output signal associated with the force feedback command; and</p> <p>wherein the input signal is associated with at least one of a web page, a java applet, or an ActiveX control.</p>	<p>receiving input information from said human computer interface device for positioning a displayed cursor with respect to said visual layout of said web page; and providing a force feedback signal that is <b>based upon said input information</b> and based upon said web page information received over said network, wherein said force feedback information includes a call to a force feedback program running on said client machine that <b>provides said force feedback signal</b>, wherein said force feedback program running on said client machine is a <b>Java applet</b>, said force feedback signal being received by said interface device, wherein said interface device outputs computer-controlled physical force feedback to said user correlated with said visual layout of said web page on said visual display, said force feedback being based upon said force feedback signal.</p>



A similar relationship exists between the balance of the instant claims and the corresponding claims of the patent. Thus, as is clear from the above, the instant claims are a broader version of the claims of the patent.

Claims 80-90, 92-101, and 103-105 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-28 of U.S. Patent No. 6,353,850. Although the conflicting claims are not identical, they are not patentably distinct from each other because the instant claims are a broader version of the claims of the patent.

The following is an example showing the relationship between instant claim 80 and claims 28 of the patent.

<b>Instant Claim 80</b>	<b>Claim 28 of the Patent</b>
A method comprising:  receiving an input signal from a network, the input signal comprising an embedded force feedback command;  extracting the force feedback command from	A method for providing force effects for a web page, the method comprising:  enabling a <b>reception of web page information</b> from a server machine over a <b>network</b> , said web page information including screen display information representing a plurality of web page objects to be displayed in said web page;  enabling a determination of which of said

Instant Claim 80	Claim 28 of the Patent
<p>the input signal;</p> <p>generating an output signal associated with the force feedback command; and</p>	<p>web page objects are to be associated with at least one <b>force effect</b>, wherein said web page objects associated with said at least one force effect have a predefined type; and</p> <p>enabling an association of a generic force effect with each of said web page objects having said predefined type, each of said generic force effects being defined by associated effect information derived from a client machine, wherein a generic force effect associated with a particular one of said web page objects causes a <b>force signal to be output</b> by said client machine when a user-controlled cursor interacts with said particular web page object, said cursor and said web page objects being displayed on said web page by said client machine, wherein said force signal causes an actuator of a force feedback interface device coupled to said client machine to output a force sensation to a user of said force</p>

<b>Instant Claim 80</b>	<b>Claim 28 of the Patent</b>
wherein the input signal is associated with at least one of a web page, a java applet, or an ActiveX control.	feedback interface device, and wherein said force signal is based on said effect information associated with said generic force effect that is assigned to said particular <b>web page object</b> .

A similar relationship exists between the balance of the instant claims and the corresponding claims of the patent. Thus, as is clear from the above, the instant claims are a broader version of the claims of the patent.

Claims 80-90, 92-101, and 103-105 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-20 of U.S. Patent No. 6,859,819. Although the conflicting claims are not identical, they are not patentably distinct from each other because the instant claims are a broader version of the claims of the patent.

The following is an example showing the relationship between instant claim 80 and claim 1 of the patent.

<b>Instant Claim 80</b>	<b>Claim 1 of the Patent</b>
A method comprising:	A method for implementing force feedback over a network, the method comprising:  enabling an establishment of a connection between a server machine and a client machine over a network, said client machine including a

Instant Claim 80	Claim 1 of the Patent
<p>receiving an input signal from a network, the input signal comprising an embedded force feedback command;</p>	<p>visual display and a force feedback device providing, computer controlled physical force feedback to a user of said force feedback device;</p> <p>enabling <b>reception of web page information</b> from said server machine over said <b>network</b>, said web page information including screen display information representing a visual layout of a web page and <b>force feedback information</b> related to said visual layout of said web page;</p> <p>enabling a display of said web page on said visual display of said client machine based upon said screen display information;</p> <p>enabling reception of input information from said force feedback device for positioning, a pointer image with respect to said visual layout of said web page; and</p>

Instant Claim 80	Claim 1 of the Patent
extracting the force feedback command from the input signal;  generating an output signal associated with the force feedback command; and  wherein the input signal is associated with at least one of a web page, a java applet, or an ActiveX control.	enabling a force feedback signal to be output to said force feedback device, said force feedback signal based upon said input information and <b>based upon said web page information</b> received over said network, wherein said force feedback signal causes said force feedback device to <b>output computer controlled physical force feedback</b> to said user correlated with said visual layout of said web page on said visual display, said force feedback being based upon <b>said force feedback signal</b> .

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A similar relationship exists between the balance of the instant claims and the corresponding claims of the patent. Thus, as is clear from the above, the instant claims are a broader version of the claims of the patent.

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Claims 80-90, 92-101, and 103-105 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-26 of U.S. Patent No. 7,636,080. Although the conflicting claims are not identical, they are not patentably distinct from each other because the instant claims are a broader version of the claims of the patent.

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- 1           The following is an example showing the relationship between instant claim 80 and claim  
2   1 of the patent.

<b>Instant Claim 80</b>	<b>Claim 1 of the Patent</b>
A method comprising:  receiving an input signal from a network, the input signal comprising an embedded force feedback command;  extracting the force feedback command from the input signal;  generating an output signal associated with the	An apparatus, comprising: a network interface; a peripheral interface; and a processor coupled to the network interface and the peripheral interface,  the processor configured to <b>receive</b> from the <b>network</b> interface a <b>web page</b> comprising embedded <b>force feedback information</b> ,  the processor configured to generate a virtual environment based at least in part on the web page,  the processor configured to execute a force feedback driver software, the force feedback driver software configured to <b>interpret the embedded force feedback information</b> , and  the processor configured to <b>send to the</b>

<b>Instant Claim 80</b>	<b>Claim 1 of the Patent</b>
force feedback command; and  wherein the input signal is associated with at least one of a web page, a java applet, or an ActiveX control.	<b>peripheral interface a force feedback signal</b>  configured to cause a force feedback effect, the force feedback signal based at least in part on <b>the interpreted force feedback information.</b>

A similar relationship exists between the balance of the instant claims and the corresponding claims of the patent. Thus, as is clear from the above, the instant claims are a broader version of the claims of the patent.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**Claims 95-101 and 103-105 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

The Examiner recognizes that this issue has been raised in the past; however, upon further consideration, it has been determined that the claims may still be broadly but reasonably construed as encompassing non-statutory subject matter.

The claims are directed to a “computer-readable medium storing instructions.” The broadest reasonable interpretation of such a medium includes propagation media, such as electromagnetic carrier waves. Propagation media such as electromagnetic carrier waves are not

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1 a process, machine, manufacture, or composition of matter within the meaning of 35 USC 101.  
2 The Examiner recommends amending the claims to recite a “non-transitory” computer-readable  
3 medium.

4  
5 ***Claim Rejections - 35 USC § 102***

6 The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the  
7 basis for the rejections under this section made in this Office action:

8 A person shall be entitled to a patent unless –

9 (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed  
10 in the United States before the invention by the applicant for patent or (2) a patent granted on an application for  
11 patent by another filed in the United States before the invention by the applicant for patent, except that an  
12 international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this  
13 subsection of an application filed in the United States only if the international application designated the United  
14 States and was published under Article 21(2) of such treaty in the English language.

15  
16 **Claims 80-85, 90, 92-96, 101, and 103-105 are rejected under 35 U.S.C. 102(e) as**  
17 **being anticipated by Barrett et al. (US Patent No. 5,908,467, hereinafter “Barrett”).**  
18

19 Regarding claim 80, Barrett shows a method comprising:

- 20 • receiving an input signal (*comprising a response to a test message: see col. 5,*  
21 *lines 42-47*) from a network (*the network which links the user computer to the*  
22 *remote server: see col. 5, lines 11-16*), the input signal comprising an embedded  
23 force feedback command (*comprising “information indicative of the size of the*  
24 *page”: see col. 5, line 63 to col. 6, line 2; note that the information is a “force*  
25 *feedback command” because it results in the production of force feedback: see*  
26 *col. 7, lines 34-42*);



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- 1           • extracting the force feedback command from the input signal (*necessary in order*  
2           *to “take this information into account” at the user computer: see col. 5, lines 63-*  
3           *67*);
- 4           • generating an output signal associated with the force feedback command  
5           *(comprising at least the necessary electrical signal which actuates the*  
6           *piezoelectric element in the “TrackPoint” joystick-like input device: see col. 7,*  
7           *lines 34-43); and*
- 8           • wherein the input signal is associated with at least one of a web page, a java  
9           applet, or and an ActiveX control (*note that test message is associated with a*  
10          *downloaded web page because it is used to indicate download times for*  
11          *hyperlinks on the page: see col. 5, lines 28-67).*

12

13           Regarding claim 81, Barrett shows the limitations of claim 80 as applied above, and  
14          further shows wherein the network comprises the Internet (*see col. 5, lines 4-15*).

15

16           Regarding claim 82, Barrett shows the limitations of claim 80 as applied above, and  
17          further shows wherein the output signal is operable to cause a manipulandum (*the TrackPoint*) to  
18          output a force (*“tactile feedback”*: *see col. 7, lines 34-42*).

19

20           Regarding claim 83, Barrett shows the limitations of claim 80 as applied above, and  
21          further shows wherein the output signal is operable to cause a force to be output in a simulation

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1 device (*see col. 1, lines 19-26, where the user computer simulates a desktop*) comprising a  
2 processor (*see col. 8, lines 43-52*).

3  
4 Regarding claim 84, Barrett shows the limitations of claim 80 as applied above, and  
5 further shows wherein the input signal is a first input signal and further comprising receiving a  
6 second input signal from a manipulandum (*comprising receiving cursor movement input from the*  
7 *TrackPoint: see col. 7, lines 34-43 and col. 8, lines 52-55*).

8  
9 Regarding claim 85, Barrett shows the limitations of claim 84 as applied above, and  
10 further shows wherein the output signal is further associated with the second input signal (*note*  
11 *that the output signal is related to cursor position, which is set based on input from the*  
12 *TrackPoint: see col. 7, lines 34-43*).

13  
14 Regarding claim 90, Barrett shows the limitations of claim 80 as applied above, and  
15 further shows receiving the output signal (*necessary in order to activate the piezoelectric*  
16 *device*); and generating a force feedback effect (*“tactile feedback”: see col. 7, lines 34-42*).

17  
18 Regarding claim 92, Barrett shows a method comprising:

- 19       • receiving a force feedback command (*information indicative of the size of a web*  
20       *page: see col. 5, lines 63-67*);  
21       • embedding the force feedback command in an output signal (*comprising a*  
22       *response to a test message: see col. 5, lines 42-47*);

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- 1           • transmitting the output signal to a network (*the network which links the user*  
2           *computer to the remote server: see col. 5, lines 11-16*); and
- 3           • wherein the output signal is associated with at least one of a web page, a java  
4           applet, or an ActiveX control (*note that test message is associated with a*  
5           *downloaded web page because it is used to indicate download times for*  
6           *hyperlinks on the page: see col. 5, lines 28-67*).

7

8           Regarding claim 93, Barrett shows the limitations of claim 92 as applied above, and  
9 further shows wherein the network comprises the Internet (*see col. 5, lines 4-15*).

10

11           Regarding claim 94, Barrett shows the limitations of claim 92 as applied above, and  
12 further shows wherein the force feedback command comprises an authored force feedback  
13 command. Note that the Merriam-Webster Dictionary defines *author* as “one that originates or  
14 creates.” Since the server of Barrett originates the force feedback command, the command may  
15 be interpreted as an “authored force feedback command.”

16

17           Regarding claim 95, Barrett shows a computer-readable medium storing instructions to  
18 cause a processor (*see col. 8, lines 25-51*) to:

- 19           • receive an input signal (*comprising a response to a test message: see col. 5, lines*  
20           *42-47*) from a network (*the network which links the user computer to the remote*  
21           *server: see col. 5, lines 11-16*), the input signal comprising an embedded force  
22           feedback command (*comprising “information indicative of the size of the page”*:

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1                    *see col. 5, line 63 to col. 6, line 2; note that the information is a “force feedback*  
2                    *command” because it results in the production of force feedback: see col. 7, lines*  
3                    *34-42);*

- 4                    • extract the force feedback command from the input signal (*necessary in order to*  
5                    *“take this information into account” at the user computer: see col. 5, lines 63-*  
6                    *67);*

- 7                    • generate an output signal associated with the force feedback command  
8                    (*comprising at least the necessary electrical signal which actuates the*  
9                    *piezoelectric element in the “TrackPoint” joystick-like input device: see col. 7,*  
10                   *lines 34-43); and*

- 11                   • wherein the input signal is associated with at least one of a web page, a java  
12                   applet, or and an ActiveX control (*note that test message is associated with a*  
13                   *downloaded web page because it is used to indicate download times for*  
14                   *hyperlinks on the page: see col. 5, lines 28-67).*

15  
16                   Regarding claim 96, Barrett shows the limitations of claim 95 as applied above, and  
17 further shows wherein the input signal is a first input signal and further comprising instructions  
18 to receive a second input signal from a manipulandum (*comprising receiving cursor movement*  
19 *input from the TrackPoint: see col. 7, lines 34-43 and col. 8, lines 52-55).*

20  
21                   Regarding claim 101, Barrett shows the limitations of claim 95 as applied above, and  
22 further shows instructions to: receive the output signal (*necessary in order to activate the*

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1 *piezoelectric device*); and generate a force feedback effect (*“tactile feedback”*: see col. 7, lines  
2 34-42).

3  
4 Regarding claim 103, Barrett shows a computer-readable medium storing instructions to  
5 cause a processor (see col. 8, lines 25-51) to:

- 6 • receive a force feedback command (*information indicative of the size of a web*  
7 *page*: see col. 5, lines 63-67);
- 8 • embed the force feedback command in an output signal (*comprising a response to*  
9 *a test message*: see col. 5, lines 42-47);
- 10 • transmit the output signal to a network (*the network which links the user computer*  
11 *to the remote server*: see col. 5, lines 11-16); and
- 12 • wherein the output signal is associated with at least one of a web page, a java  
13 applet, or an ActiveX control (*note that test message is associated with a*  
14 *downloaded web page because it is used to indicate download times for*  
15 *hyperlinks on the page*: see col. 5, lines 28-67).

16  
17 Regarding claim 104, Barrett shows the limitations of claim 103 as applied above, and  
18 further shows wherein the network comprises the Internet (see col. 5, lines 4-15).

19  
20 Regarding claim 105, Barrett shows the limitations of claim 103 as applied above, and  
21 further shows wherein the force feedback command comprises an authored force feedback  
22 command. Note that the Merriam-Webster Dictionary defines *author* as “one that originates or

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creates.” Since the server of Barrett originates the force feedback command, the command may be interpreted as an “authored force feedback command.”

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 86-89 and 97-100 are rejected under 35 U.S.C. 102(e) as being anticipated by Barrett (US Patent No. 5,908,467) in view of Thorner et al. (US Patent No. 5,669,818, hereinafter “Thorner”).**

Regarding claim 86, Barrett shows the limitations of claim 80 as applied above, and further shows wherein the force feedback command comprises a first force feedback command and further comprising receiving the output signal (*necessary in order to activate the piezoelectric device: see col. 7, lines 34-42*).

Barrett does not explicitly show overriding the first force feedback command with a second force feedback command.

Thorner shows overriding a first force feedback command with a second force feedback command (*comprising overriding a default tactile sensation with the user’s preferred gain: see col. 6, line 66 to col. 7, line 15*).

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1           It would have been obvious to one of ordinary skill in the art at the time of the invention  
2   to modify the system of Barrett with the force feedback override taught by Thorner in order to  
3   allow the user to adjust the tactile feedback to his preferences.

4  
5           Regarding claim 87, the combination of Barrett and Thorner shows the limitations of  
6   claim 86 as applied above, and further shows wherein the first force feedback command  
7   comprises an authored force feedback command. Note that the Merriam-Webster Dictionary  
8   defines *author* as “one that originates or creates.” Since the server of Barrett originates the force  
9   feedback command, the command may be interpreted as an “authored force feedback command.”

10  
11           Regarding claim 88, the combination of Barrett and Thorner shows the limitations of  
12   claim 86 as applied above, and further shows wherein the second force feedback command  
13   comprises a generic force feedback command. Note that the gain setting taught by Thorner is  
14   applied to all inputs from a particular game, so it is “generic” to those inputs. See Thorner, col. 6,  
15   line 66 to col. 7, line 15.

16  
17           Regarding claim 89, the combination of Barrett and Thorner shows the limitations of  
18   claim 86 as applied above, and further shows generating a force feedback effect associated with  
19   the second force feedback command (*comprising a tactile sensation: see Barrett, col. 7, lines 34-*  
20   *43; and Thorner, col. 6, line 66 to col. 7, line 15).*

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1           Regarding claim 97, Barrett shows the limitations of claim 95 as applied above, and  
2 further shows wherein the force feedback command comprises a first force feedback command  
3 and further comprising instructions to receive the output signal (*necessary in order to activate*  
4 *the piezoelectric device: see col. 7, lines 34-42*).

5           Barrett does not explicitly show overriding the first force feedback command with a  
6 second force feedback command.

7           Thorner shows overriding a first force feedback command with a second force feedback  
8 command (*comprising overriding a default tactile sensation with the user's preferred gain: see*  
9 *col. 6, line 66 to col. 7, line 15*).

10           It would have been obvious to one of ordinary skill in the art at the time of the invention  
11 to modify the system of Barrett with the force feedback override taught by Thorner in order to  
12 allow the user to adjust the tactile feedback to his preferences.

13  
14           Regarding claim 98, the combination of Barrett and Thorner shows the limitations of  
15 claim 97 as applied above, and further shows wherein the first force feedback command  
16 comprises an authored force feedback command. Note that the Merriam-Webster Dictionary  
17 defines *author* as “one that originates or creates.” Since the server of Barrett originates the force  
18 feedback command, the command may be interpreted as an “authored force feedback command.”

19  
20           Regarding claim 99, the combination of Barrett and Thorner shows the limitations of  
21 claim 97 as applied above, and further shows wherein the second force feedback command  
22 comprises a generic force feedback command. Note that the gain setting taught by Thorner is



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1 applied to all inputs from a particular game, so it is “generic” to those inputs. See Thorner, col. 6,  
2 line 66 to col. 7, line 15.

3  
4 Regarding claim 100, the combination of Barrett and Thorner shows the limitations of  
5 claim 97 as applied above, and further shows instructions to generate a force feedback effect  
6 associated with the second force feedback command (*comprising a tactile sensation: see Barrett,*  
7 *col. 7, lines 34-43; and Thorner, col. 6, line 66 to col. 7, line 15).*

### 8 9 ***Conclusion***

10 Any inquiry concerning this communication or earlier communications from the  
11 examiner should be directed to Christopher D. Biagini whose telephone number is (571)272-  
12 9743. The examiner can normally be reached on weekdays from 8:30 AM to 5:00 PM.

13 If attempts to reach the examiner by telephone are unsuccessful, the examiner’s  
14 supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the  
15 organization where this application or proceeding is assigned is 571-273-8300.

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1 Information regarding the status of an application may be obtained from the Patent  
2 Application Information Retrieval (PAIR) system. Status information for published applications  
3 may be obtained from either Private PAIR or Public PAIR. Status information for unpublished  
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6 system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would  
7 like assistance from a USPTO Customer Service Representative or access to the automated  
8 information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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